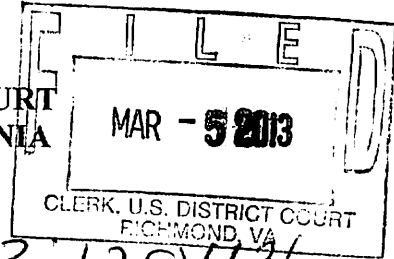


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION



ANGELINA LOIERCIO,

Plaintiff,

v.

MCGUIGAN LAW, PLLC;

Defendants.

Case No.:

PLAINTIFF'S COMPLAINT

3:13CV136

**COMPLAINT**

ANGELINA LOIERCIO ("Plaintiff"), through her attorneys, alleges the following against MCGUIGAN LAW, PLLC ("Defendant"):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).

2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

4. Defendant conducts business in the state of Virginia, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

**PARTIES**

6. Plaintiff is a natural person residing in Norfolk, Chesapeake County, Virginia.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant is a debt collection law firm located in Trevose, Pennsylvania.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

### **FACTUAL ALLEGATIONS**

11. In or around August of 2012, Defendant contacted Plaintiff to collect an alleged debt arising from transactions for personal, family, and/or household purposes.

12. Defendant placed calls to Plaintiff on her home telephone at (757) 423-25XX.

13. In or around August of 2012, Defendant's representative, "Mark Silver," contacted Plaintiff and left a message on Plaintiff's voicemail.

14. In the voicemail message, Defendant's representative, "Mark Silver," referenced file number E7918, and directed Plaintiff to return his call at 877-543-6152 extension 132, which is a number that belongs to Defendant. *See* Transcribed Voicemail Message attached hereto as Exhibit "A."

15. In the voicemail message, Defendant's representative, "Mark Silver," failed to state that the call was being placed by a debt collector, and failed to state that the call was being placed in an attempt to collect an alleged debt *See* Exhibit A.

16. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

**COUNT ONE**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692e of the FDCPA by using false, deceptive or misleading representations or means in connection with the collection of a debt;
- b. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt;
- c. Defendant violated §1692e(11) of the FDCPA by failing to disclose in its communications with Plaintiff that the communication was from a debt collector.

WHEREFORE, Plaintiff, ANGELIA LOIERCIO, respectfully requests judgment be entered against Defendant, MCGUIGAN LAW, PLLC for the following:

17. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k

19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: 1-31-2013

By: 

Richard W. Ferris

VSB# 31812

Ferris Winder, PLLC

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